

Introduced by Senator Runner

February 19, 2016

An act to add Section 11364.6 to the Health and Safety Code, relating to harmful substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1367, as introduced, Runner. Harmful substances: local regulation.

Existing law prohibits the operation of a place of business in which drug paraphernalia is kept, displayed, or sold unless the drug paraphernalia is completely kept within a separate room or enclosure to which persons under 18 years of age are excluded. Existing law prohibits the sale of synthetic cannabinoid compounds, as specified.

This bill would allow a city, county, or city and county, to regulate, by ordinance, the sale of substances that pose a threat to human life or health and a particular risk to minors if specified conditions are met, including the fact that the substance has been advertised, purchased, or consumed as a recreational drug and the substance can cause intoxication, disability, or death if swallowed, smoked, inhaled, or injected into the body. The bill would allow the city council or board of supervisors to require vendors to maintain records of sale, make inventory available for inspection by a peace officer, and store the substance in a secure place that cannot be accessed by minors. The bill would allow the city, county, or city and county, to require the payment of a penalty for noncompliance with the ordinance, not to exceed \$250.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11364.6 is added to the Health and Safety Code, to read:

11364.6. (a) A city, county, or city and county, may regulate, pursuant to subdivision (b), the sale of substances that pose a threat to human life or health and a particular risk to minors if the city council or board of supervisors find, after notice and a public hearing, that each of the following conditions are true:

(1) The substance is labeled for purposes other than human consumption.

(2) The sale of the substance is not already regulated by the state or federal government as toxic to humans.

(3) The substance can cause intoxication, disability, or death if it is swallowed, smoked, inhaled, or injected into the human body.

(4) There is substantial evidence that the substance has in fact been advertised, purchased, or consumed as a recreational drug.

(5) The unregulated sale of the substance creates a continuing and particular risk to the health and safety of children and young adults in the community.

(6) Regulating the sale of the substance would mitigate the risk to minors living in the community.

(b) Upon finding that all of the conditions of subdivision (a) have been met, the city council or board of supervisors may regulate the sale of the identified substances following the adoption of an ordinance which may, no less than 30 days after actual notice, require vendors to comply with any of the following conditions:

(1) Maintain all records of purchase of the substance.

(2) Make inventory available for inspection upon request of a peace officer.

(3) Store the substance in a secure place that cannot be accessed by minors.

(4) Maintain a registry of sale to ensure that the substance is not sold to any person under 18 years of age.

(5) Require payment of a penalty for noncompliance with the ordinance enacted pursuant to this subdivision, not to exceed two hundred fifty dollars (\$250) per violation.

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